

Senate File 2287 - Introduced

SENATE FILE 2287
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3158)

A BILL FOR

1 An Act relating to emergency response services by authorizing
2 the establishment of benefited emergency response districts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 28E.31, subsection 4, Code 2016, is
2 amended to read as follows:

3 4. For purposes of [this section](#), "*municipality*" means a
4 city, county, township, benefited fire district, benefited
5 emergency response district, or agency formed under this
6 chapter and authorized by law to provide emergency services.

7 Sec. 2. Section 28E.32, subsection 4, Code 2016, is amended
8 to read as follows:

9 4. For purposes of [this section](#), "*municipality*" means a
10 city, county, township, benefited fire district, benefited
11 emergency response district, or agency formed under this
12 chapter and authorized by law to provide emergency services.

13 Sec. 3. Section 28I.1, Code 2016, is amended to read as
14 follows:

15 **28I.1 Authority of governing bodies — joint commission.**

16 1. The governing bodies of two or more adjoining cities,
17 independently or together with the governing body or bodies of
18 the county or counties within which such cities are located, or
19 the governing bodies of two or more adjoining counties, or a
20 county and its major city or cities, or the governing bodies
21 of one or more counties together with the governing bodies
22 of one or more cities adjoining such county or counties, or
23 any of the above together with a school district, benefited
24 water district, benefited fire district, benefited emergency
25 response district, sanitary district, or any other similar
26 district which may be formed under an Act of the legislature
27 may cooperate in the creation of a joint planning commission
28 which may be designated to be a regional or metropolitan
29 planning commission, as agreed among the governing bodies.
30 The governing bodies of cities, counties, school districts,
31 or other governmental units may cooperate with the governing
32 bodies of the cities and counties or other authorized governing
33 bodies of any adjoining state or states in the creation of such
34 a joint planning commission where such cooperation has been
35 authorized by law by the adjoining state or states.

1 2. The joint planning commission shall be separate and
2 apart from the governmental units creating it, may sue and be
3 sued, contract for the purchase and sale of real and personal
4 property necessary for its purposes, and shall be a juristic
5 entity as the term is used in [section 97C.2, subsection 6](#).

6 Sec. 4. Section 28I.7, Code 2016, is amended to read as
7 follows:

8 **28I.7 Construction of provisions.**

9 Nothing in [this chapter](#) shall be construed to remove or
10 limit the powers of the cooperating cities, counties, school
11 districts, benefited water districts, benefited fire districts,
12 benefited emergency response districts, sanitary districts, or
13 similar districts as provided by state law. All legislative
14 power with respect to zoning and other planning legislation
15 shall remain with the governing body of the cooperative cities
16 and counties. Each participating city or county may continue
17 to have its own planning commission or board but may under the
18 joint agreement and in the interest of economy and efficiency
19 and in the interest of uniform standards and procedures,
20 request the metropolitan or regional planning commission to
21 assume duties and functions of local planning agencies in whole
22 or in part. The metropolitan or regional planning commission
23 shall have the duty and function of promoting public interest
24 and understanding of the economic and social necessity for
25 long-term coordinated planning for the metropolitan or regional
26 area, but its official recommendations shall be made to the
27 governing bodies of the cooperating cities, counties, school
28 districts, benefited water districts, benefited fire districts,
29 benefited emergency response districts, sanitary districts, or
30 similar districts.

31 Sec. 5. Section 85.61, subsection 2, paragraph a, Code 2016,
32 is amended to read as follows:

33 a. A person, firm, association, or corporation, state,
34 county, municipal corporation, school corporation, area
35 education agency, township as an employer of volunteer fire

1 fighters and emergency medical care providers only, benefited
2 fire district, benefited emergency response district, and the
3 legal representatives of a deceased employer.

4 Sec. 6. Section 85.61, subsection 10, Code 2016, is amended
5 to read as follows:

6 10. "*Volunteer fire fighter*" means any active member of
7 an organized volunteer fire department in this state and any
8 other person performing services as a volunteer fire fighter
9 for a municipality, township ~~or~~, benefited fire district, or
10 benefited emergency response district at the request of the
11 chief or other person in command of the fire department of
12 the municipality, township ~~or~~, benefited fire district, or
13 benefited emergency response district, or of any other officer
14 of the municipality, township ~~or~~, benefited fire district,
15 or benefited emergency response district having authority to
16 demand such service, and who is not a full-time member of a
17 paid fire department. A person performing such services shall
18 not be classified as a casual employee.

19 Sec. 7. Section 100B.21, subsection 5, Code 2016, is amended
20 to read as follows:

21 5. "*Municipality*" means a city, county, township, benefited
22 fire district, benefited emergency response district, or agency
23 authorized by law to provide emergency response services.

24 Sec. 8. Section 102.1, Code 2016, is amended to read as
25 follows:

26 102.1 Definition.

27 As used in [this chapter](#), "*fire department*" means the fire
28 department of a city, township, ~~or~~ benefited fire district, or
29 benefited emergency response district.

30 Sec. 9. Section 321.423, subsection 1, paragraph b, Code
31 2016, is amended to read as follows:

32 b. "*Fire department*" means a paid or volunteer fire
33 protection service provided by a benefited fire district or a
34 benefited emergency response district under [chapter 357B](#) or by
35 a county, municipality, or township, or a private corporate

1 organization that has a valid contract to provide fire
2 protection service for a benefited fire district, benefited
3 emergency response district, county, municipality, township,
4 or governmental agency.

5 Sec. 10. Section 357A.22A, Code 2016, is amended to read as
6 follows:

7 **357A.22A Rural fire protection program — liability.**

8 1. A rural water district or rural water association
9 incorporated under [this chapter](#) or [chapter 504](#) shall establish
10 a rural fire protection program which shall include, but is
11 not limited to, providing access to designated soft-hose fill
12 stations, providing annually or more often if necessary updated
13 maps of soft-hose fill stations to all fire departments within
14 the rural water service area, and sponsoring informational
15 meetings for all fire departments and interested parties within
16 the rural water service area for the purpose of reviewing
17 locations of facilities, operational procedures, communication
18 procedures and facilities, and procedures designed to
19 coordinate efforts to enhance rural fire protection.

20 2. A rural water district or rural water association
21 incorporated under [this chapter](#) or [chapter 504](#) which provides
22 water service to cities, benefited fire districts, benefited
23 emergency response district, or townships shall not be liable
24 for a claim against the district or association for failure to
25 provide or maintain fire hydrants, facilities, or an adequate
26 supply of water or water pressure for fire protection purposes
27 if the purpose of the hydrants, facilities, or water used is
28 not for fire protection.

29 Sec. 11. Section 357B.1, Code 2016, is amended to read as
30 follows:

31 **357B.1 Benefited fire districts continued.**

32 1. A benefited fire district established under [this chapter](#)
33 prior to July 1, 1975 shall provide fire protection within its
34 boundaries until it is dissolved as provided in [section 357B.5](#).
35 A benefited fire district shall not be established nor shall

1 the territorial boundaries of an established benefited fire
2 district be enlarged after June 30, 1975 except as provided in
3 section 357B.7.

4 2. A benefited fire district established pursuant to this
5 subchapter and in existence on July 1, 2016, may reorganize as
6 a benefited emergency response district pursuant to subchapter
7 II, and may choose to provide additional emergency response
8 services, when authorized by a majority vote of the electors of
9 the benefited fire district at an election held in compliance
10 with section 357B.208, and called for that purpose upon notice
11 given in the same manner as provided in section 357B.204.

12 Sec. 12. NEW SECTION. 357B.201 **Definitions.**

13 For purposes of this subchapter, unless the context
14 otherwise requires:

15 1. "*Board*" means the board of supervisors of a county.

16 2. "*District*" means a benefited emergency response district
17 created under this chapter.

18 3. "*Emergency response services*" means fire protection
19 services, emergency medical services, and other emergency
20 services. "*Emergency response services*" does not include law
21 enforcement.

22 Sec. 13. NEW SECTION. 357B.202 **Hearing on petition.**

23 1. The board shall, on the petition of ten percent of the
24 resident property owners in a proposed district, hold a public
25 hearing concerning the establishment of a proposed district.
26 The petition shall include a statement containing the following
27 information:

28 a. The proposed boundaries of the district to be served.

29 b. The approximate population in the district.

30 c. The personnel, equipment, and facilities proposed to
31 provide the emergency response services.

32 d. The emergency response services the district will provide
33 and the need for the services.

34 2. The board of supervisors may require a bond of the
35 petitioners conditioned for the payment of all costs and

1 expenses incurred in the proceedings in case the district is
2 not established.

3 Sec. 14. NEW SECTION. **357B.203 Extent of the district.**

4 This chapter authorizes a district to include one or more
5 adjoining townships or portions thereof and may include one
6 or more cities or portions thereof adjacent to participating
7 townships.

8 Sec. 15. NEW SECTION. **357B.204 Time and notice of hearing.**

9 The public hearing required in section 357B.202 shall be
10 held within sixty days of the filing of the petition with the
11 board. Notice of the hearing shall be given by publication in
12 two successive issues of any newspaper of general circulation
13 within the district. The last publication or posting shall not
14 be less than one week before the proposed hearing.

15 Sec. 16. NEW SECTION. **357B.205 Action of the board.**

16 After, and within ten days of, the hearing, the board shall
17 either establish the district by resolution or disallow the
18 petition.

19 Sec. 17. NEW SECTION. **357B.206 Engineer.**

20 1. When the board establishes a district, the board shall
21 appoint a competent disinterested civil engineer, who shall
22 prepare a preliminary plat showing all of the following:

23 a. The proper design in general outline of the district.

24 b. The lots and parcels of land within the proposed district
25 as such lots appear on the county auditor's plat books with the
26 names of the owners.

27 2. The board shall determine the compensation for the
28 engineer's preliminary investigation.

29 3. The engineer shall file a report with the county auditor
30 within thirty days of appointment. The board may extend the
31 time upon good cause shown.

32 Sec. 18. NEW SECTION. **357B.207 Approval of report.**

33 After the engineer's report is filed, the board shall give
34 notice, as provided in section 357B.204, of a public hearing
35 concerning the engineer's plat. Within ten days after the

1 hearing, the board shall, by resolution, approve or disapprove
2 the engineer's plat.

3 Sec. 19. NEW SECTION. 357B.208 Election on candidates for
4 directors.

5 1. When a preliminary plat has been approved by the board,
6 an election shall be held within the district within sixty days
7 of such approval to choose directors for the board of directors
8 of the district.

9 2. Notice of the election, including the time and place of
10 holding the election, shall be given as provided in section
11 357B.204.

12 3. It is not mandatory for the county commissioner of
13 elections to conduct elections held pursuant to this chapter,
14 but the elections shall be conducted in accordance with chapter
15 49 where not in conflict with this chapter. Judges shall
16 be appointed to serve without pay by the board from among
17 the registered voters of the district to be in charge of the
18 election.

19 4. At the initial election for directors, the voter shall
20 write the names of up to three directors on blank ballots
21 without formal nomination, and the board shall appoint three
22 from among the five receiving the highest number of votes as
23 directors for the district. One director shall be appointed
24 to serve for one year, one for two years, and one for three
25 years. The directors and their successors must be residents of
26 the district and shall give bond in the amount required by the
27 board, the premium of which shall be paid by the district.

28 5. Vacancies during a term shall be filled by election, but
29 if there are no candidates for a director office, the vacancy
30 may be filled by appointment by the board.

31 6. After the initial board of directors is selected, a
32 candidate for director shall be nominated by affidavit of
33 the candidate or by petition signed by at least ten eligible
34 electors of the district and the candidate's affidavit, which
35 shall be filed with the county commissioner of elections at

1 least twenty-five days before the date of the election. The
2 form of a candidate's affidavit shall be substantially the same
3 as provided in section 45.3.

4 7. Except as provided in subsection 4, each director shall
5 be elected for a three-year term.

6 Sec. 20. NEW SECTION. 357B.209 Powers and duties of the
7 board of directors.

8 The board of directors may purchase, own, rent, or maintain
9 fire, emergency medical, or other emergency response apparatus
10 or equipment within the state or outside the territorial
11 jurisdiction and boundary limits of this state and provide
12 housing for such apparatus or equipment. The board of
13 directors may contract with any public or private agency under
14 chapter 28E for the purpose of providing emergency response
15 services under this subchapter. The board of directors
16 may purchase material and employ persons to provide for the
17 maintenance and operation of the district. The directors shall
18 be allowed reimbursement for any necessary expenses incurred in
19 the performance of their duties, but they shall not receive any
20 other compensation for their services.

21 Sec. 21. NEW SECTION. 357B.211 Dissolution of district.

22 Upon petition of a number of resident eligible electors
23 in a district equal to at least thirty-five percent of the
24 property taxpayers in the district, the board of supervisors
25 may dissolve a district and dispose of any remaining property,
26 the proceeds of which shall first be applied against any
27 outstanding obligation of the district. Any remaining balance
28 shall be applied as a property tax credit for the property
29 owners of the district.

30 Sec. 22. NEW SECTION. 357B.212 Petition by outside owners
31 to be included.

32 The owner of any property in an unincorporated area
33 contiguous to the boundaries of an established district may
34 petition the board to be included in the district. Upon
35 receipt of the petition, the board shall submit the request to

1 a competent disinterested civil engineer to investigate the
2 feasibility of adding the additional territory and to make a
3 report to the board. If the board agrees that the property
4 should be added to the district, such territory shall become
5 part of the district on the first day of the next fiscal year.

6 Sec. 23. NEW SECTION. 357B.213 **Transition — city, township**
7 **and emergency medical services district — responsibility for**
8 **services — taxes discontinued.**

9 1. When the boundary lines of the district include a city,
10 such city shall not be responsible for providing emergency
11 response services as required by section 364.16 for services
12 provided by the district. The city shall have no liability for
13 the method, manner, or means by which the district provides
14 emergency response services.

15 2. When the boundary lines of the district include all or a
16 portion of a township, the township trustees shall no longer
17 levy the tax authorized in section 359.43 in that portion of
18 the township provided fire protection services by the district.
19 Any indebtedness incurred for the purposes of sections 359.42
20 through 359.45 for a service now provided by the district
21 shall be assumed by the district. Such township shall not be
22 responsible for providing the emergency response services as
23 required by section 359.42 for emergency response services now
24 provided by the district for the portion of the township within
25 the district, and shall have no liability for the method,
26 manner, or means by which the district provides the emergency
27 response services.

28 3. When the boundary lines of a district providing emergency
29 medical services include all or a portion of an emergency
30 medical services district under chapter 357F or chapter 357G,
31 the emergency medical services district trustees shall no
32 longer levy the taxes authorized in section 357F.8 or section
33 357G.8 in that portion of such emergency medical services
34 district that is provided emergency medical services by the
35 emergency response district.

1 4. When the boundary lines of the district include all or
 2 a portion of an emergency response district created pursuant
 3 to chapter 357J, the emergency response district commission
 4 shall no longer levy the tax provided by section 357J.10
 5 in that portion of the emergency response district for the
 6 same services provided by a benefited emergency response
 7 district created pursuant to this subchapter. The emergency
 8 response district created pursuant to chapter 357J shall not
 9 be responsible for providing the emergency response services
 10 as required by section 359.42 for emergency response services
 11 now provided by the district for the portion of the emergency
 12 response district within the district, and shall have no
 13 liability for the method, manner, or means by which the
 14 district provides the emergency response services.

15 Sec. 24. NEW SECTION. **357B.214 Emergency medical districts**
 16 **within a district.**

17 Notwithstanding sections 357F.12 and 357G.12, when the
 18 boundary lines of a district providing emergency medical
 19 services include all of an emergency medical services district
 20 formed pursuant to chapter 357F or 357G, the emergency medical
 21 services district shall be dissolved. Any remaining property
 22 and balance of assets and liabilities shall be transferred to
 23 the district. The district shall assume all of the outstanding
 24 obligations of the emergency medical services district.

25 Sec. 25. Section 359.42, Code 2016, is amended to read as
 26 follows:

27 **359.42 Township fire protection service, emergency warning**
 28 **system, and emergency medical service.**

29 Except as otherwise provided in [section 331.385](#), the
 30 trustees of each township shall provide fire protection service
 31 for the township, exclusive of any part of the township within
 32 a benefited fire district or benefited emergency response
 33 district providing fire protection services and may provide
 34 emergency medical service. The trustees may purchase, own,
 35 rent, or maintain fire protection service or emergency medical

1 service apparatus or equipment or both kinds of apparatus or
2 equipment and provide housing for the equipment. The trustees
3 of a township which is located within a county having a
4 population of three hundred thousand or more may also establish
5 and maintain an emergency warning system within the township.
6 The trustees may contract with a public or private agency under
7 chapter 28E for the purpose of providing any service or system
8 required or authorized under [this section](#).

9 Sec. 26. Section 359.43, subsection 1, Code 2016, is amended
10 to read as follows:

11 1. The township trustees may levy an annual tax not
12 exceeding forty and one-half cents per thousand dollars
13 of assessed value of the taxable property in the township,
14 excluding property within a benefited fire district or
15 benefited emergency response district providing fire protection
16 services or within the corporate limits of a city, for
17 the purpose of exercising the powers and duties specified
18 in [section 359.42](#). However, in a township having a fire
19 protection service or emergency medical service agreement or
20 both service agreements with a special charter city having a
21 paid fire department, the township trustees may levy an annual
22 tax not exceeding fifty-four cents per thousand dollars of
23 the assessed value of the taxable property for the services
24 authorized or required under [section 359.42](#) and in a township
25 which is located within a county having a population of three
26 hundred thousand or more, the township trustees may levy an
27 annual tax not exceeding sixty-seven and one-half cents per
28 thousand dollars of assessed value of taxable property for the
29 services authorized or required under [section 359.42](#).

30 Sec. 27. Section 359.49, subsection 2, Code 2016, is amended
31 to read as follows:

32 2. By January 15 of each year, each township fire department
33 in the township shall provide to the board of trustees a
34 proposed budget showing all revenues and all expenses for
35 emergency services for the next fiscal year. By January 15 of

1 each year, each township fire department, and each municipal
 2 fire department providing emergency services to a township,
 3 shall submit to the board of trustees a report detailing
 4 emergency services calls for the prior calendar year for the
 5 fire district and a copy of the fire report filed by the fire
 6 department with the state fire marshal's office. For purposes
 7 of this subsection, "*municipal*" means relating to a city,
 8 county, township, benefited fire district, benefited emergency
 9 response district, or chapter 28E agency authorized by law to
 10 provide emergency services.

11 Sec. 28. Section 359.49, subsection 8, paragraph b, Code
 12 2016, is amended to read as follows:

13 b. For purposes of this subsection, "*municipality*" means
 14 a city, county, township, benefited fire district, benefited
 15 emergency response district, or agency formed under chapter 28E
 16 and authorized by law to provide emergency services.

17 Sec. 29. Section 422.12, subsection 1, paragraph f,
 18 subparagraph (1), Code 2016, is amended to read as follows:

19 (1) The individual is an active member of an organized
 20 volunteer fire department in this state or is performing
 21 services as a volunteer fire fighter for a municipality,
 22 township, ~~or~~ benefited fire district, or benefited emergency
 23 response district at the request of the chief or other
 24 person in command of the fire department of the municipality,
 25 township, ~~or~~ benefited fire district, or benefited emergency
 26 response district, or of any other officer of the municipality,
 27 township, ~~or~~ benefited fire district, or benefited emergency
 28 response district having authority to demand such service. A
 29 person performing such services shall not be classified as a
 30 casual employee.

31 Sec. 30. Section 452A.17, subsection 1, paragraph a,
 32 subparagraph (3), Code 2016, is amended to read as follows:

33 (3) A regional transit system, the state, any of its
 34 agencies, any political subdivision of the state, or any
 35 benefited fire district or benefited emergency response

1 district which is used for a purpose specified in section
2 452A.57, subsection 11, or for public purposes, including fuel
3 sold for the transportation of pupils of approved public and
4 nonpublic schools by a carrier who contracts with the public
5 school under [section 285.5](#).

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill relates to emergency services by authorizing the
10 establishment of benefited emergency response districts to
11 provide emergency response services, including fire protection
12 services, emergency medical services, and other emergency
13 service, excluding law enforcement.

14 Under the bill, a county board of supervisors shall, on
15 the petition of 10 percent of the resident property owners
16 in a proposed district, hold a public hearing concerning the
17 establishment of a proposed district. The bill specifies
18 the contents of the petition and authorizes the board of
19 supervisors to require a bond from the petitioners. The
20 bill authorizes a district to include one or more adjoining
21 townships or portions thereof and may include one or more
22 cities or portions thereof adjacent to participating townships.

23 The bill requires the public hearing to be held within 60
24 days of the filing of the petition with the board and specifies
25 the notice requirements for such hearing. After, and within
26 10 days of, the hearing, the board of supervisors shall either
27 establish the district by resolution or disallow the petition.
28 When the board establishes a district, the board shall appoint
29 a competent disinterested civil engineer, who is required to
30 prepare a preliminary plat for the district. The engineer
31 must file a report with the county auditor within 30 days
32 of appointment. After the engineer's report is filed, the
33 board of supervisors must hold a public hearing concerning the
34 engineer's plat. Within 10 days after the hearing, the board
35 shall, by resolution, approve or disapprove the engineer's

1 plat.

2 Under the bill, when a preliminary plat has been approved by
3 the board of supervisors, an election shall be held within the
4 district within 60 days of such approval to choose directors
5 for the board of directors of the district. Except for the
6 initial board of directors, each director shall be elected for
7 a three-year term.

8 The bill specifies the powers and duties of the board
9 of directors including the ability to purchase, own, rent,
10 or maintain fire, emergency medical, or other emergency
11 response apparatus or equipment within the state or outside
12 the territorial jurisdiction and boundary limits of this state
13 and provide housing for such apparatus or equipment. The
14 board of directors may purchase material and employ persons
15 to provide for the maintenance and operation of the district.
16 The directors shall be allowed reimbursement for any necessary
17 expenses incurred in the performance of their duties, but they
18 shall not receive any other compensation for their services.

19 Upon petition of a number of resident eligible electors in a
20 district equal to at least 35 percent of the property taxpayers
21 in the district, the board of supervisors may dissolve a
22 district and dispose of any remaining property, the proceeds of
23 which shall first be applied against any outstanding obligation
24 of the district. Any remaining balance shall be applied as a
25 tax credit for the property owners of the district.

26 The bill establishes provisions for the addition of property
27 to the district. The bill also provides for the transition of
28 existing emergency response services from cities, townships,
29 and other special districts to a newly formed benefited
30 emergency response district and for the reorganization of a
31 benefited fire district under Code chapter 357B if approved at
32 election.

33 The bill includes corresponding changes to other provisions
34 of law relating to the joint exercise of governmental power
35 under Code chapter 28E, metropolitan and regional planning

1 commissions under Code chapter 28I, workers' compensation under
2 Code chapter 85, fire and emergency response services training
3 under Code chapter 100B, fire scenes under Code chapter 102,
4 and the definition of "fire department" under Code chapter 321
5 similar to those in effect for benefited fire districts under
6 Code chapter 357B.